

REMARKS/ ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 102(b) Rejections

Examiner rejected claims 1, 3-5, 7-9, and 11-16 under 35 U.S.C. § 102(b) as being anticipated by International Publication WO 97/04394 (hereinafter "Drake").

Independent claims 1, 5, and 13 of the present application include limitations not disclosed or taught by Drake. As a result, independent claims 1, 5, and 13 are not anticipated by Drake.

In particular, applicant's claims, include the limitation, or a limitation similar there to, of:

identifying a first instruction in a sequence of instructions, the first instruction comprising a target address and invoking a function or procedure, replacing the first instruction with a second non-identical instruction to transfer control to the test module, the second instruction comprising fewer bytes than the first instruction;

compacting the instructions to eliminate a hole created by replacing the first instruction with the second instruction; and

storing the target address encrypted in a table, the test module to locate the target address in the table and to set an execution address to the target address if test result indicates the instructions are to proceed. (emphasis added). (Applicant's claim 1).

Drake, however, does not disclose nor suggest the limitations as claimed by applicant. In particular, Drake does not disclose identifying "the first

instruction comprising a target address and invoking a function or procedure.”

Drake does not disclose replacing the first instruction with “the second instruction comprising fewer bytes than the first instruction.”

In addition, Drake does not disclose “storing the target address encrypted in a table, the test module to locate the target address in the table and to set an execution address to the target address if test result indicates the instructions are to proceed.” Otherwise said, Drake doesn’t disclose having execution of the instructions return to its original order of execution if the test module determines the instructions have not been tampered.

Rather, Drake is limited to disclosing the modification of the code without having the code return to its original order of execution. (See Drake, pages 17-18).

Therefore, in view of applicant’s independent claims including limitations that are not disclosed nor suggested by Drake, applicant’s independent claims are not anticipated by Drake.

In addition, the remaining claims depend from one of the independent claims as discussed above, and therefore include similar limitations, and as a result are also not anticipated by Drake.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

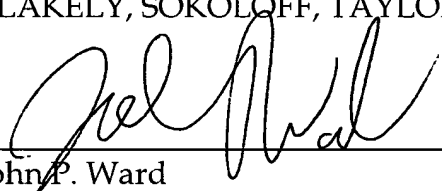
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

8/17/09



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